



Reprinted  
March 20, 2001

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## ENGROSSED HOUSE BILL No. 1100

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DIGEST OF HB 1100 (Updated March 19, 2001 2:37 PM - DI 102)

**Citations Affected:** IC 2-5; noncode.

**Synopsis:** Internet coverage of the general assembly. Allows the legislative council to enter into a contract to provide video or audio coverage, or both, over the Internet or another broadcast medium of sessions of the general assembly and other legislative activities authorized by the legislative council. Regulates the reuse of video or audio coverage of the general assembly for commercial purposes. Provides that audio or video coverage of the general assembly, unless specifically agreed to by the general assembly: (1) does not constitute a legislative history; and (2) may not be used to establish legislative intent with respect to any legislation.

**Effective:** July 1, 2001.

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### Crooks, Atterholt, Turner, Kruzan

(SENATE SPONSOR — FORD)

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January 8, 2001, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

February 22, 2001, amended, reported — Do Pass.

February 27, 2001, read second time, ordered engrossed.

February 28, 2001, engrossed.

March 5, 2001, read third time, passed. Yeas 92, nays 5.

#### SENATE ACTION

March 7, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

March 15, 2001, amended, reported favorably — Do Pass.

March 19, 2001, read second time, amended, ordered engrossed.

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EH 1100—LS 6655/DI 51+



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March 20, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## ENGROSSED HOUSE BILL No. 1100

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A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 2-5-1.1-12 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]: **Sec. 12. The legislative council may contract with the**  
4 **intelenet commission established by IC 5-21-2-1 or another public**  
5 **or private person to provide video or audio coverage, or both, over**  
6 **the Internet or another broadcast medium of any of the following:**

7           **(1) Sessions of the general assembly.**

8           **(2) Other legislative activities authorized by the legislative**  
9 **council.**

10       SECTION 2. IC 2-5-1.1-13 IS ADDED TO THE INDIANA CODE  
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
12 1, 2001]: **Sec. 13. (a) A person may use all or a part of audio or**  
13 **video coverage provided under section 12 of this chapter for a**  
14 **commercial purpose intended to result in a profit or other tangible**  
15 **benefit to any person only if:**

16           **(1) the legislative council gives its permission for the person's**  
17 **commercial use; and**

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(2) the person:

(A) uses the audio or video coverage only for educational or public affairs programming, including news programming, that does not also constitute a use prohibited under section 14 of this chapter; or

(B) transmits to paid subscribers an unedited feed of the audio or visual coverage.

(b) The legislative council shall give its permission to a person to use the coverage provided under section 12 of this chapter for a commercial purpose if:

(1) the person or the person's representative submits to the legislative council, or its designated agent, a signed, written request for the use that:

(A) states the purpose for which the audio or video coverage will be used and that the stated purpose is allowed under subsection (a); and

(B) contains an agreement by the person that the audio or visual coverage will not be used for a commercial purpose other than the stated purpose; and

(2) the purpose stated in subdivision (1)(A) is a use allowed under subsection (a).

(c) The legislative council:

(1) is not required to give its permission to any person; and

(2) may limit the number of persons to whom it gives its permission;

to use coverage provided under section 12 of this chapter for a purpose described in subsection (a)(2)(B).

(d) Subsection (a) and an agreement under subsection (b)(1)(B) do not prohibit compiling, describing, quoting from, analyzing, or researching the verbal content of audio or visual coverage provided under section 12 of this chapter for a commercial purpose.

(e) The attorney general may enforce this section at the request of the legislative council by bringing a civil action to enjoin a violation of subsection (a) or an agreement under subsection (b)(1)(B).

SECTION 3. IC 2-5-1.1-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. Audio or video coverage provided under section 12 of this chapter is not part of the legislative history of an act enacted or resolution adopted by the general assembly unless:

(1) the content of audio or video coverage provided under



section 12 of this chapter is:

(A) incorporated by resolution contemporaneously adopted by the chamber in which the coverage originated into the house or senate journal required under Article 4, Section 12 of the Constitution of the State of Indiana; or  
(B) declared to be part of the legislative history of a bill or resolution in a bill contemporaneously enacted by the general assembly; and

(2) the content of the incorporated audio or video coverage is certified for accuracy and completeness by the principal clerk or principal secretary of the chamber in which the coverage originated.

SECTION 4. IC 2-5-1.1-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 15. Audio or video coverage provided under section 12 of this chapter does not constitute an expression of the legislative intent, purpose, or meaning of an act enacted or resolution adopted by the general assembly unless:**

(1) the content of audio or video coverage provided under section 12 of this chapter is incorporated by a bill contemporaneously enacted by the general assembly; and  
(2) the content of the incorporated audio or video coverage is certified for accuracy and completeness by the principal clerk or principal secretary of the chamber in which the coverage originated.

SECTION 5. IC 2-5-1.1-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 16. It is not the intent of the general assembly in enacting section 12 of this chapter to have the content of the audio or video coverage provided under section 12 of this chapter used as evidence of the legislative intent, purpose, or meaning of an act enacted or resolution adopted by the general assembly.**

SECTION 6. [EFFECTIVE JULY 1, 2001] **It is not the intent of the general assembly in enacting this act to change the judicial rule of statutory construction expressed in *Tinder, Pros. Atty. et al. v. Clarke Auto Co., Inc.* (1958), 238 Ind. 302, 149 N.E.2d 808 and later cases that the motive of individual sponsors of legislation cannot be imputed to the General Assembly unless there is a basis for it in its statutory expression.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1100, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "(a) Subject to this section, the" and insert **"The"**.

Page 1, line 6, after "Internet" insert **"or another broadcast medium"**.

Page 1, delete lines 10 through 13.

Page 2, delete lines 37 through 40.

Page 2, line 41, delete "(f)" and insert **"(e)"**.

and when so amended that said bill do pass.

(Reference is to HB 1100 as introduced.)

KUZMAN, Chair

Committee Vote: yeas 12, nays 0.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred House Bill No. 1100, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, after line 9, begin a new paragraph and insert:

"SECTION 4. IC 2-5-1.1-15 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2001]: **Sec. 15. Audio or video coverage provided under section 12 of this chapter is not part of the legislative history of an act enacted or resolution adopted by the general assembly unless:**

**(1) the content of audio or video coverage provided under section 12 of this chapter is:**

- (A) incorporated by resolution contemporaneously adopted by the chamber in which the coverage originated into the house or senate journal required under Article 4, Section 12 of the Constitution of the State of Indiana; or**
- (B) declared to be part of the legislative history of a bill or resolution in a bill contemporaneously enacted by the general assembly; and**

**(2) the content of the incorporated audio or video coverage is certified for accuracy and completeness by the principal clerk or principal secretary of the chamber in which the coverage originated.**

SECTION 5. IC 2-5-1.1-16 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2001]: **Sec. 16. Audio or video coverage provided under section 12 of this chapter does not constitute an expression of the legislative intent, purpose, or meaning of an act enacted or resolution adopted by the general assembly unless:**

- (1) the content of audio or video coverage provided under section 12 of this chapter is incorporated by a bill contemporaneously enacted by the general assembly; and**
- (2) the content of the incorporated audio or video coverage is certified for accuracy and completeness by the principal clerk or principal secretary of the chamber in which the coverage originated.**

SECTION 6. IC 2-5-1.1-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2001]: **Sec. 17. It is not the intent of the general assembly in enacting section 12 of this chapter to have the content of the audio**

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or video coverage provided under section 12 of this chapter used as evidence of the legislative intent, purpose, or meaning of an act enacted or resolution adopted by the general assembly.

SECTION 7. [EFFECTIVE JULY 1, 2001] **It is not the intent of the general assembly in enacting this act to change the judicial rule of statutory construction expressed in *Tinder, Pros. Atty. et al. v. Clarke Auto Co., Inc.* (1958), 238 Ind. 302, 149 N.E.2d 808 and later cases that the motive of individual sponsors of legislation cannot be imputed to the General Assembly unless there is a basis for it in its statutory expression."**

and when so amended that said bill do pass.

(Reference is to HB 1100 as printed February 23, 2001.)

GARTON, Chairperson

Committee Vote: Yeas 6, Nays 1.

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## SENATE MOTION

Mr. President: I move that House Bill 1100 be amended to read as follows:

Page 2, delete lines 37 through 42.

Page 3, delete lines 1 through 9.

Page 3, line 10, delete "IC 2-5-1.1-15" and insert "IC 2-5-1.1-14".

Page 3, line 12, delete "15" and insert "14".

Page 3, line 28, delete "IC 2-5-1.1-16" and insert "IC 2-5-1.1-15".

Page 3, line 30, delete "16" and insert "15".

Page 3, line 41, delete "IC 2-5-1.1-17" and insert "IC 2-5-1.1-16".

Page 4, line 1, delete "17" and insert "16".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1100 as printed March 16, 2001.)

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